Table of Contents

SH2309601

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: March 4, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION II

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2309601 / IV2330167
Incident:	Non-Hit Shooting
Incident Date:	March 16, 2012
Unit:	Community Oriented Policing Bureau
Subject:	[redacted] MB [redacted]
Involved Employees:	Deputy Erik Albano, #[redacted] Deputy Richard Boykin, #[redacted]
EFRC Date:	February 28, 2013

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander David Fender, and Commander Buddy Goldman met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Department members may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Deputies were working a Federal grant truancy program, known as "Operation Safe Passage," in the Florence/Firestone area. The deputies observed an individual (subject), who appeared to be young, and decided to contact the subject believing he might be a truant. As the deputies stopped their vehicle near the subject, the subject fled on foot, climbed over a fence, and onto the Metrolink train tracks. Concerned for the subject's welfare and the welfare of the train passengers, the deputies drove to the nearby passenger station (PAX) in an attempt to locate the subject.

Both deputies went on the platform of the PAX utilizing opposite stairways. One deputy saw the subject on the train tracks. As the subject got closer, the deputy recognized the subject in gang attire and believed he was possibly armed. The deputy approached the subject near the train tracks. The subject ran from the deputy and climbed over a fence adjacent to the tracks.

Once the subject climbed over the fence, he stopped, reached toward his waistband, and turned toward the deputy. Believing the subject was arming himself with a handgun, the deputy fired two rounds at the subject, missing him. The subject fled the location as the deputy radioed he was involved in a shooting and gave a description of the subject. The subject was ultimately located in a park and taken into custody by Century deputies.

The Committee determined the force used to apprehend the uncooperative and possibly armed subject was reasonable, necessary, and justified.

The Committee deemed as **Founded** the allegation that the tactics used by Deputy Erik Albano were in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards, on or about March 16, 2012, while on duty Deputy Albano failed to conform to the work standards established for his position, while attempting to detain a subject whom he believed might be armed as evidenced by, but not limited to the following:

Leaving a position of cover and concealment to approach a potentially armed subject, thereby exposing himself to unnecessary risk and creating a potentially hazardous confrontation after forfeiting a position of tactical advantage.

RECOMMENDATIONS:

The Committee recommended Deputy Erik Albano, #[redacted] receive a **two (2) day suspension.**

Additionally, the Committee recommended Deputy Albano attend the eight-hour Tactics and Survival class (TAS I), and the eight-hour LIFE class.

Lastly, the Committee recommended the unit commander, Captain Robert J. Tubbs, conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

MJR:JER:jer

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COMMUNITY ORIENTED
POLICING BUREAU

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Concerned for the subject's welfare and the welfare of the train passengers, the deputies drove to the nearby passenger station (PAX) in an attempt to locate the subject.

Both deputies went on the platform of the PAX utilizing opposite stairways. One deputy saw the subject on the train tracks. As the subject got closer, the deputy recognized the subject in gang attire and believed he was possibly armed. The deputy approached the subject near the train tracks. The subject ran from the deputy and climbed over a fence adjacent to the tracks.

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Failing to communicate to his partner his belief that the subject they were attempting to detain was possibly armed.

RECOMMENDATIONS:

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Lastly, the Committee recommended the unit commander, Captain Robert J. Tubbs, conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

MJR:JER:jer

DISPOSITION WORKSHEET

Re: IAB IV 2330167
Subject: Albano, Erik #[redacted]
Investigator: Sgt. Frank Quichocho, IAB
Advocate: Michael Stuver, Advocate

SUMMARY:
(Insert here)

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards, on or about March 16, 2012, while on duty Deputy Albano failed to conform to the work standards established for his position, while attempting to detain a subject whom he believed might be armed as evidenced by, but not limited to the following:

   Leaving a position of cover and concealment to approach a potentially armed subject, thereby exposing himself to unnecessary risk and creating a potentially hazardous confrontation after forfeiting a position of tactical advantage.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

<u>Disposition:</u>

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	Standard Discipline
Performance to Standards	W/R to Discharge
Obedience to Laws, Regulations, and Orders	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_X__ **Suspension with loss of pay and benefits for __2__ days**
____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction

Degree of Culpability
Disciplinary History
Acceptance of Responsibility
Other Factors

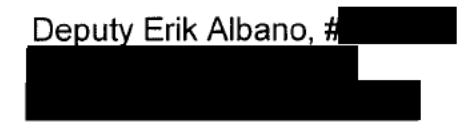
Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 3, 2013


Deputy Erik Albano, #[redacted]
[redacted]

Dear Deputy Albano:

On March 8, 2013, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2330167. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of two (2) days effective July 8, 2013 through July 9, 2013.

An investigation under File Number IAB 2330167, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards, on or about March 16, 2012, while on duty, you failed to conform to the work standards established for your position, while attempting to detain a subject whom you believed might be armed as evidenced by, but not limited to:

   Leaving a position of cover and concealment to approach a potentially armed subject, thereby exposing yourself to unnecessary risk and creating a potentially hazardous confrontation after forfeiting a position of tactical advantage.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rule 18.01(c) of the Civil Service Rules.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Robert J. Tubbs, Captain
COPS Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

RJT:AEA:md

c: Advocacy Unit
Buddy Goldman, Chief, Countywide Services Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
COPS Bureau/unit Personnel File



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



June 25, 2013

Certified Mail No. 7011 1570 0001 0640 8393

Deputy Erik Albano
[redacted]

Dear Deputy Albano,

This letter is to inform you that the Sheriff's Department has rendered its decision on the grievance you submitted on March 13, 2013, regarding a proposed two (2) day suspension under IAB case number 2330167. Employee Relations received the recommendation from the Review Board hearing on June 6, 2013. Consistent with the provisions of your Memorandum of Understanding, the Review Board's recommendation was directed to the Assistant Sheriff's Office for final review and approval.

After due consideration, the Sheriff's Department has determined that the charges alleged in the Letter of Intent are founded and the two (2) day suspension is appropriate. As a result, your grievance is denied and the settlement you desired shall not be granted.

Sincerely,

LEROY D. BACA, SHERIFF

Gregory P. Nelson, Captain
Bureau of Labor Relations and Compliance



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



March 8, 2013


Deputy Erik Albano, #[redacted]

Dear Deputy Albano:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of two (2) days.

An investigation under IAB File Number 2330167, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards, on or about March 16, 2012, while on duty, you failed to conform to the work standards established for your position, while attempting to detain a subject whom you believed might be armed as evidenced by, but not limited to:

   Leaving a position of cover and concealment to approach a potentially armed subject, thereby exposing yourself to unnecessary risk and creating a potentially hazardous confrontation after forfeiting a position of tactical advantage.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Maggie Dixon, of Internal Affairs Bureau, at (323) 890-5314, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Robert J. Tubbs, Captain
Commander, COPS Bureau

RJT:AEA:md

c: Advocacy Unit
Employee Relations Unit
Kevin A. Goran, Chief, Field Operations Region II
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2330167)

Los Ar~eles County Sheriff's Dep~tment

Officer Involved Shooting

Report Date: 01/2/2013	Bureau/Station/Facility: COPS Bureau	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 912-03735-2174-055	Date: 03/16/2012 Time: 0849 hours
City or Station: Los Angeles	Nature of Incident: Deputy personnel assigned to the "Safe Passage Program," attempted to detain a truant juvenile [redacted] who was walking along the Firestone PAX train tracks. The subject eventually refused to be detained and jumped over a six foot wrought iron fence onto the other side of the tracks. The subject then faced deputy personnel, reached into his waistband area and appeared to be retrieving a handgun. Fearing for his safety, as well as his partner's, Deputy Albano fired two rounds at the subject. The rounds did not strike the subject as he fled on foot, but he was quickly located at a nearby park, without incident.
Location: 8615 Graham Avenue, Los Angeles (Firestone PAX - Metrolink Train Station)	

Location Type (*circle one or more*):	Lighting (*circle only one*):	Incident Type (*circle one or more*):	Initiated by (*circle only one*):
Backyard	Darkness	Accidental	Arrest Warrant
Beach	(Daylight)	(Armed Person)	Call
Business	Other	Fleeing Suspect	(Observation)
Freeway	Street Lights	Foot Pursuit	One Person Unit
Industrial		Gun Take Away	Other
Park	Weather (*circle only one*):	Moving Vehicle	Search Warrant
Parking Lot	(Clear)	Sniper/Ambush	Two Person Unit
Residence	Cloudy	Startle	Prior Activity (*circle only one*):
Rural	Fog	Struggle Involved	Detective
School	Rain	Traffic Stop	Inmate Transport
Street		Unarmed Person	Other
Other: MTA train tracks	Distance: 25 feet	Unintentional	(Routine Patrol)
Total # of Shots Fired by Deputy: 2	Total # of Shots Fired by Suspect: 0	Vehicle Pursuit	Aero Unit? ☐ Canine Unit? ☐
		Warrant Service	
		Warning Shot	
		Other:	

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
[redacted]	Boykin	Richard	E.	EM PM (Day)	(Regular) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. -	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph -	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. -	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph -	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. -	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph -	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	Del Real	Michael	A.	(On Duty) Present during shooting Witness to shooting Involved in shooting
				On Duty Present during shooting Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Furman	Robert	F.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Armalin	Rodrick	J.

PSTD Use Only
SH # ______

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03/16/2012	1045	01/4/2013	

Employee #	Last Name	First Name	M.I
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	Garcia	Jose	J.
[redacted]	Quichocho	Frank	F.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC	-	-	-	-	NN	NN
"	"	FH	-	-	-	-	NN	NN
E#1	S#1	FH	BR	9	Y	Y	NN	NN

Officer Involved Shooting
Involved Employee Information

URN: 912-03735-2174-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Albano	First Name: Erik	M.I.: G.
Sex: M Race: O	Rank: Deputy	Unit Assignment: COPS Bureau	Work Assignment (Unit #, Module, etc.): 210N8
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case #: N/A — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:
Age: Height:	Weight:		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted] — Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9	# Shots: 2	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	-	[redacted]	[redacted]	-	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	-	[redacted]
[redacted]	[redacted]	-	[redacted]	[redacted]	-	[redacted]
[redacted]	-	-	Contact Century Station Detective Campbell for info	[redacted]	[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	
Boykin	Richard	E.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
Employee #[redacted] / Deputy Sheriff / COPS Bureau	-	323-981-5300	-

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name	M.I.	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

County of Los Angeles
SHERIFF'S DEPARTMENT
SHOOTING INVESTIGATION
(On Duty / Non-Hit)

UNIT: Community Oriented Policing Services (COPS) Bureau
DATE: March 16, 2012, Friday
TIME: 0849 hours
LOCATION: 8615 Graham Avenue, Los Angeles (Metrolink Blue Line PAX - Firestone)
URN#: 912-03735-2174-055
IAB#: SH2309601

NATURE OF INCIDENT:
COPS Deputy Erik Albano attempted to detain Subject [redacted] (MB/16) for a truancy violation at the Firestone Metrolink PAX terminal train tracks. The Subject failed to comply with commands to stop from Deputy Albano, and jumped over a wrought-iron fence. As the Subject landed on the other side of the fence, he faced Deputy Albano. The Subject then took a few steps away when he turned to face Deputy Albano again, simultaneously reaching into his right side waistband area with his right hand grasping a dark object resembling the grip of a handgun. Fearing for his life, and his partner's, Deputy Albano fired two rounds from his department issued Beretta at the Subject, missing him. The Subject fled from the scene of the shooting, but was shortly captured at a nearby park by Century Station patrol deputies. The Subject was not injured as a result of the gunshots from Deputy Albano.

On March 16, 2012, at approximately 0849 hours, Deputy Albano, Employee #[redacted] (bookman), and his partner, Deputy Richard Boykin, Employee #[redacted] (driver), were assigned to Century COPS Team patrol unit 210N8, working the Operation Safe Passage program in the Firestone/Florence area. The Safe Passage program targets school aged juveniles who may be truant from school, and enforces truancy violations committed by juveniles in the surrounding neighborhood.

While driving their marked patrol unit south on Maie Avenue in the 8400 block, Deputy Albano's attention was drawn toward an unknown male black (Subject Street), walking south on the east curb line. Based on the youthful appearance of the individual coupled with the time of day, Deputy Albano decided to contact Subject [redacted] to ascertain if he was a truant from school.

> **<u>IAB Note:</u>** At the time of Subject's arrest/booking, [redacted] gave a false name of [redacted] His true name is [redacted]

As Deputy Albano exited his patrol vehicle, Subject [redacted] looked at him with a startled expression and began running north, then east through the alley south of 84th Street, which dead ends at Park Lane. In an attempt to re-contact Subject [redacted] Deputy Boykin drove to the corner of 85th Street/Park Lane, but was stopped by an extended residential chain link fence that opened out into Park Lane. Deputy Albano then saw Subject [redacted] climbing over a concrete wall on the southeast corner of 84th Street/Park Lane into the Metro Transit Authority Blueline Rail System train tracks. Deputy Albano lost sight of Subject [redacted] when he jumped over the wall and into the train tracks.

Considering the safety of Subject [redacted] who might be struck by a moving train, as well as the train passengers, if the train were to suddenly brake in order to avoid striking Subject [redacted] Deputy Boykin drove to the adjacent Blueline Train Station (Firestone PAX – 8615 Graham Avenue) to determine if the Subject was still on the train tracks or had crossed over onto Graham Street.

While at the Firestone PAX terminal, Deputy Albano walked up the north stairwell, as Deputy Boykin took the south stairwell in order to search for Subject [redacted] The stairwells both lead into the train platform area where patrons wait for the arrival of the train.

As Deputy Albano entered the north passenger platform, he saw Subject [redacted] walking south on the west side of the train tracks toward the passenger platform about 100 feet away. Deputy Albano's vision of Subject [redacted] was initially obscured by a metal column and a metal wrought-iron gate at the north end of the platform. He then waited for the Subject to walk closer toward the extended platform before making contact. Deputy Albano ordered several train patrons to move away from the north platform area for their safety.

Because of noise on the platform, Deputy Albano advised his partner via "direct" mode on his handheld radio that the Subject was walking toward them. As the Subject approached the platform, Deputy Albano saw Subject [redacted] wearing a red t-shirt underneath his jacket, red shoe laces and a red ball cap, which led him to believe that the Subject was a Blood gang member.

> **IAB Note:** Individuals wearing clothing, insignia and paraphernalia with the color red are associated with the Blood criminal street gangs of Los Angeles.

Based on recent violent incidents in the area involving gang members, and the fact that the Subject had initially run away from him, coupled with Subject [redacted] baggy clothing attire, which Deputy Albano believed was conducive to hiding a weapon, he un-holstered his weapon.

As Subject [redacted] continued walking toward the platform about 70 feet away from him on the cement pathway of the train tracks, Deputy Albano noticed Deputy Boykin was now behind him about thirty feet away. Deputy Albano then walked out into the open concrete platform walkway in order to contact the Subject.

When Subject [redacted] was approximately thirty to forty feet from the edge of the platform, he raised both of his hands up to his chest. Deputy Albano then pointed his weapon at Subject [redacted] and ordered him to stop.

Subject [redacted] looked at Deputy Albano with a startled expression, momentarily stopped, then quickly ran west and jumped over a six foot wrought-iron metal fence.

Subject [redacted] landed on the other side of the fence facing Deputy Albano. The suspect looked toward Deputy Albano, and then ran a few steps west as he stopped and faced Deputy Albano again simultaneously reaching into the right side of his waistband with his right hand and grasped a dark object resembling the grip of a handgun. Subject [redacted] body was angled toward Deputy Albano, which revealed the left side of his figure.

Due to Subject [redacted] running away from him twice, dressed in clothing consistent with gang member attire, and wearing baggy attire that could easily conceal a firearm, coupled with seeing him reach into his waistband area grasping a dark object resembling the grip of a handgun, Deputy Albano believed that Subject [redacted] was going to pull out a handgun and shoot him.

Fearing for his life, and his partner's life, Deputy Albano fired two rounds from his duty weapon toward Subject [redacted] missing him. Subject [redacted] then ran west on the opposite set of train tracks (Union Pacific railway) and out of view.

Deputy Albano put out emergent radio traffic broadcasting an officer-involved shooting, the Subject's description, and last seen direction of travel.

Responding Century Station deputies saw the Subject at Washington Park. The suspect was taken into custody without further incident.

Members of the Office of Independent Review and COPS Bureau were briefed by IAB Team Lieutenant [redacted]

> **IAB Note:** Refer to **Exhibit A**, for Deputy Albano's incident report for further details.

Administrative investigation:
The following summary is based on written documentation, interviews of involved deputy personnel, civilian witness(s) and the suspect.

INVOLVED PERSONNEL:

Albano, Erik G., Deputy, Employee #[redacted]
COPS Bureau - Century Sheriff's Station HIT Team
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment:	06-11-1998
Date Assigned to Patrol:	10-02-2002 (Patrol Training @ Century Station)
Completed Patrol Training:	[redacted] (Assigned to TSB)
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	[redacted]

INVOLVED SUBJECT:

[redacted] MB/16, DOB: [redacted] 5'09/130, Blk/Bro.
Address: [redacted]: Home: [redacted]
CII# [redacted]: MAIN# [redacted]: FBI# [redacted]: JAIN# [redacted]
PDJ# [redacted]

Involved Subject History:
Subject [redacted]

VICTIM'S:

Sworn Personnel:
1. Deputy Erik G. Albano
2. Deputy Richard E. Boykin

IAB Note: Refer to **Exhibit A** for supplementary reports written by deputy personnel concerning the incident.

CIVILIAN WITNESSES:

1. [redacted]
2.
3.
4.
5.
6.

7. [redacted] (Contacted Century DB for further info)

> **<u>IAB Note:</u>** Refer to **Exhibit A** for supplementary reports written by Century deputy personnel regarding the canvassing of the area. Statements given by the listed witnesses revealed seeing nothing to only hearing two or three gunshots fired.

Witness [redacted] was interviewed by Century Station Detective Greggory Campbell, Employee #[redacted] [redacted] said he was on the north side of the platform looking north for the incoming southbound train. He then saw the suspect walking south on the train tracks toward the platform, as Deputy Albano walked out and beyond the platform gate. [redacted] said he saw Deputy Albano pointing his gun at the suspect and ordered him to get down on the ground. At this point, [redacted] saw the suspect grab his pants in the belt and groin area, turn to his right, and climb over the fence that separated the Blue Line tracks from the freight (Union Pacific) railroad tracks. He explained that when the suspect had dropped over the fence, he was facing Deputy Albano, who fired two rounds at him with his firearm. The suspect then ran behind the concrete barriers and out of view.

> **<u>IAB Note</u>:** According to Century Station detectives, Witness [redacted] was very reluctant to provide witness information, in addition to giving any of his personal information during the interview.

<u>DEPARTMENT WITNESS:</u>

1. **Richard G. Boykin,** Deputy, Employee #[redacted]

> **<u>IAB Note:</u>** Refer to **Exhibit A** for a supplementary report written by Deputy Boykin.

<u>INVOLVED EMPLOYEE STATEMENTS:</u>

Deputy Erik G. Albano, Employee #[redacted] was interviewed by Internal Affairs Sergeants Frank Quichocho and Jose Garcia on June 20, 2012, at approximately 1120 hours. Deputy Albano was represented by ALADS Attorney Elizabeth Gibbons from the Offices of Green and Shinee. The interview was digitally recorded and the following is a summary.

On March 16, 2012, Deputy Albano said he was assigned to 210N8, COPS Bureau – Century Station, in the Firestone/Florence area working the Operation Safe Passages program, which is a federal grant that targets truant juveniles, citing them, and then taking them to school.

Deputy Albano said he was the bookman/passenger working with his partner, Deputy Richard E. Boykin, Employee #[redacted] who was the driver of their marked patrol unit. He said their regular shift was from [redacted] however, they were working overtime from [redacted] as part of the Safe Passages program. He added that his regular partner was not working the overtime, so he and Deputy Boykin were assigned to work together that day. He said that he has worked with Deputy Boykin about twenty times on and off for the past three years. He stated that they were familiar with each other's behavior, training, and tactics.

Deputy Albano explained that he initially trained at [redacted] and was eventually assigned to the Century HIT Team – COPS Bureau since September 2008.

While working the Safe Passages assignment, Deputy Albano said they were driving south on Maie Avenue at about the 8400 block when he saw an unknown male black individual (Subject [redacted] MB/16), walking south on Maie Avenue on the east sidewalk. As they drove closer, Deputy Albano said Subject [redacted] looked over his right shoulder toward them and he appeared to have a youthful appearance. Based on Subject [redacted] youthful appearance, Deputy Albano said they decided to stop and contact him believing he may be a truant.

When he exited the patrol vehicle, Deputy Albano said Subject [redacted] immediately ran north, then east into the east-west alley south of 84th Street, toward the dead end of Park Lane. Believing that Subject [redacted] may be a truant, Deputy Albano said they drove to the corner of 85th Street/Park Lane where they saw Subject [redacted] scrambling up a concrete wall into the Metrolink – Blue Line Rail train tracks and out of view. He added that their path on Park Lane was blocked by a residential chain link fence that extended out into the street. A minute later, the chain link fence was removed by a home owner allowing them to drive north to where Subject [redacted] had disappeared into the Metro Blue Line rail system.

At the initial point of contact on Maie Avenue, Deputy Albano said they were not involved in a foot pursuit of the Subject. He said Subject [redacted] was not a threat to him or his partner even as he ran away from them. He thought Subject [redacted] was just another truant juvenile.

Deputy Albano believed that Subject [redacted] was now up on the train tracks and may get injured if he was struck by a train or may cause injury to people on the train if it braked hard in order to avoid striking him. To verify if Subject [redacted] was either on the train tracks or had made it across the tracks onto Graham Street, Deputy Albano said they decided to check the Firestone PAX train station due to its high vantage point.

As they arrived at the Firestone PAX train terminal, Deputy Albano said he went up the north stairwell, as Deputy Boykin took the south stairwell up into the platform. Deputy Albano stated that due to their experience at Transit Services Bureau (TSB), there would be noise on the platform, but not that many people on it at that time of day. He said they kept visual contact of each other as they reached the platform and talked about a basic containment of the platform on the north and south sides as they were conducting a search for the Subject.

As Deputy Albano looked north toward the train tracks he saw Subject [redacted] about a hundred feet away walking south toward the platform. He said Subject [redacted] was wearing shorts, a hooded top, red clothing, a red ball cap and red shoe laces. He then told several train patrons to move back from the area for their safety. He added that in the Firestone neighborhood there are constant gang involved shootings, and if Subject [redacted] was wearing that much red clothing and ran from them, he believed he was a Blood gang member.

Deputy Albano said his partner was about thirty feet behind him, when he advised over the handheld radio in "direct" mode that the Subject was walking south toward the platform. He explained that since he had been involved in a prior shooting on a railway platform with civilians running around, he decided to detain the Subject further north away from the platform and away from the civilians.

> **IAB Note:** Deputy Albano was involved in an on-duty fight with a robbery suspect on 03/24/2005, at the Metrolink Blue Line train platform in Long Beach. The suspect was about to remove his duty weapon from his holster when Deputy Albano's partner shot the suspect in the neck. The bullet grazed the neck of the suspect and traveled into Deputy Albano's right arm. The incident was investigated under IAB SH2142447.

As he walked out onto the north platform that extended from the terminal, Deputy Albano pointed his gun at Subject [redacted] who was about thirty to forty feet away and told him to stop.

> **IAB Note:** The concrete walkway platform that extends north out toward the train tracks is approximately four feet high from the ground giving a higher vantage point than ground level.

Subject [redacted] then raised his hands up toward his chest; but then ran west toward a six foot wrought-iron fence and jumped over it. When Subject [redacted] landed on the other side of the fence, he looked back toward Deputy Albano and then ran a few more steps west. Subject [redacted] then turned just enough so that Deputy Albano could see the front of his body as he reached into his right side waistband area with his right hand. Deputy Albano said Subject [redacted] left side body was "bladed" toward him.

Deputy Albano believed that since Subject [redacted] had just run away from him twice was now reaching for something in his waistband he believed he was going to be shot. He then fired two rounds at the Subject, missing him. Subject [redacted] then went over the embankment and out of view. Deputy Albano was approximately ten to fifteen feet away from the Subject when he shot through the wrought-iron fence. The platform that Deputy Albano was standing on was approximately four feet above the train tracks.

Deputy Albano said he broadcasted "998" over his handheld radio giving a description of the Subject. About two minutes later, Century Sheriff's station patrol units detained a Subject matching the description of the broadcast at Washington Park. Deputy Albano said he and his partner positively identified Subject [redacted] He added that an article search for a weapon by several department resources could not locate a weapon.

During follow-up questioning, Deputy Albano was referred to his incident report that he authored on March 16, 2012. He added that his report was correct in that the dark object that Subject [redacted] grasped from his waistband looked like the grip of a handgun.

Deputy Albano said his state of mind at the time of the shooting was that he had to stop the threat immediately. He did not want to be shot again as he had in the prior on-duty shooting incident. He added that he also did not want Deputy Boykin or any civilians to be shot.

Deputy Albano said Subject [redacted] was about fifteen to twenty feet from him when he jumped over the wrought-iron fence. He said the Subject initially pulled himself up the fence with his hands, which were exposed. The Subject then landed on his feet, and faced Deputy Albano with the front portion of his body. Subject [redacted] then took a few steps away, then turned toward him again as he reached into his waistband. Deputy Albano stated that it took about two to five seconds for the Subject to jump over the wall.

As Subject [redacted] was jumping over the wrought-iron fence, Deputy Albano said he watched his hands, while the Subject's back faced him.

Deputy Albano said he had cover and concealment while he was inside the terminal platform at the metal pedestrian gate. When he stepped out into the platform leading north toward the train tracks the only cover he had was underneath the concrete walkway or the concrete barrier to the left of his position. There was no concealment at this part of the platform.

During follow-up questioning, Deputy Albano stated that as he walked out toward the north platform, he noticed that Subject [redacted] was wearing a red ball cap, a red shirt, and red shoe laces.

At this point, Deputy Albano believed that Subject [redacted] was a Blood gang member and probably not running away from them for truancy. He said the situation quickly evolved into an officer safety issue once he was at out on the open platform.

Deputy Albano said he knew the area was a Blood street gang neighborhood and that he was aware of shootings between the East Coast Crips (Black gang), Florencia (Hispanic gang), and the Swans (Blood gang).

During the incident, Deputy Albano said the weather was clear. He said the only obstruction between him and the Subject during the shooting was the wrought-iron fence. He stated that he has never seen the Subject prior to shooting. The gaps between the wrought-iron bars are approximately three inches wide.

Deputy Albano said there were no train patrons out on the extended platform during the shooting. He stated there were probably fifteen to twenty patrons inside the upper platform when he first arrived at the upper deck. He ordered five to six patrons to move back who were standing at the north metal pedestrian gate that extends out toward the lower platform where the Subject was.

Deputy Albano believed he had tactical advantage of the incident based on having a good back drop, and cover if needed. He added that he had point of aim, target acquisition, and sight alignment when he pointed his weapon at the center mass of Subject [redacted] body. He said there was no crossfire between him and his partner.

Deputy Albano wanted to detain the Subject further out on the train tracks due to the civilians who were at the platform area just in case something went wrong if contact was made at the platform.

On March 24, 2005, Deputy Albano said he was shot while on-duty during the apprehension of a robbery suspect. He stated that the incident occurred inside the train station in Long Beach. Based on that incident, Deputy Albano said he wanted to detain Subject Street further away from the train platform. He explained that at the prior shooting there was a suspect that was shot, with civilians running all over the place, while deputy personnel were attempting to contain the location, recover a weapon, and prevent a mob from forming at the location. He said he did not want the same chaos to happen again.

> **IAB Note:** Deputy Albano was wounded in the right bicep by a bullet that exited the head of the suspect, which was fired from his partner's firearm.
>
> **IAB Note:** Refer to the transcribed copy of Deputy Albano's interview for further details.

Deputy Richard E. Boykin, Employee #[redacted] was interviewed by Internal Affairs Sergeants Frank Quichocho and Jose Garcia on June 20, 2012, at approximately 1007 hours. Deputy Boykin was represented by ALADS Attorney Elizabeth Gibbons from the

Offices of Green and Shinee. The interview was digitally recorded and the following is a summary.

Deputy Boykin said he was working overtime on March 16, 2012, assigned to Operation Safe Passages, which is a federal grant to monitor activities around schools. He said they look for violations of criminal and gang activity related to truants. On the date of the incident, Deputy Boykin said his partner was Deputy Albano. He stated that Deputy Albano was not his normal partner; however, he has worked with him during the past two years about two to three times a month. He agreed that they were familiar with each other's habits, as well as training, communicating and working well with one another.

Deputy Boykin said he was the driver of their marked patrol vehicle, while Deputy Albano was the bookman/passenger.

While driving south on the 8400 block of Maie Avenue, Deputy Boykin said he saw a young looking male Black individual (Subject [redacted] walking south on the east sidewalk approximately one hundred feet in front of him. He then told Deputy Albano that Subject [redacted] looked like a possible truant. As he drove to within thirty feet of Subject [redacted] who was southeast of their patrol vehicle, the Subject looked back over his right shoulder and appeared to have a startled expression on his face. As he closed the distance to within ten feet, Subject [redacted] looked back at them again, turned and ran north on Maie Avenue, then east into the alley south of 84th Street, toward Park Lane. He added that since truancy is a low grade misdemeanor offense they did not go in foot pursuit of Subject [redacted]

Deputy Boykin said he spoke to Deputy Albano and they decided to drive east on 85th Street, toward Park Lane in order to re-contact Subject [redacted] As they reached the corner of 85th Street/Park Lane, they were prevented from going north on Park Lane due to a residential chain link gate that swung out into the street. They watched Subject [redacted] climb over a concrete wall and up over a dirt embankment that leads up toward the Blue Line/Union Pacific Railroad track. As they finally got past the chain link fence, Deputy Boykin said he drove to the area where he last saw Subject [redacted] climbing over the concrete wall on Park Lane. At that point, Deputy Boykin said he was not sure if Subject [redacted] had continued onto Graham Street, which was on the other side of the alley, or if he was walking along the railroad tracks.

Due to their prior experience of working at Transit Services Bureau (TSB), Deputy Boykin said the Blue Line trains run frequently throughout the day, in addition to the Union Pacific railway, which shares the same tracks. Believing that Subject [redacted] may be in danger by being struck by a train, or passengers on the Blue Line may be danger, they decided to check the train tracks from the Firestone PAX terminal located at 8615 Graham Avenue.

Upon arrival at the Firestone PAX terminal, Deputy Boykin said he and his partner formulated a plan to search for Subject [redacted] by going up the north and south stairwells

of the terminal. The stairwells both lead up into the passenger platform. He stated they wanted to contain Subject [redacted] at the platform by taking the separate stairwells, if he was upstairs.

Deputy Boykin then heard Deputy Albano on his handheld radio in "direct" mode put out that he saw Subject [redacted] He said Deputy Albano was about fifty to sixty feet from him when they reached the top of the platform. As Deputy Boykin looked north toward the train tracks, he saw Subject [redacted] approximately one hundred feet north of a cement walkway walking toward Deputy Albano. At this point, Deputy Boykin believed that the Subject was going to give up and surrender. As he walked toward Deputy Albano, who had opened a metal gate and walked down a cement walkway, he saw Subject [redacted] run west toward a wrought-iron fence.

As Deputy Boykin reached the pedestrian metal gate, he saw his partner pull out his gun and point it toward Subject [redacted] He then saw the Subject climb up and over the wrought-iron gate and onto the Union Pacific railroad side of the tracks. Deputy Boykin then saw his partner fire two rounds at Subject [redacted] who ran west and out of view. He said the Subject was approximately ten feet west of the wrought-iron fence on the Union Pacific side of the tracks.

Deputy Boykin stated that after the shooting, his partner told him that he believed the Subject had a gun in his waistband.

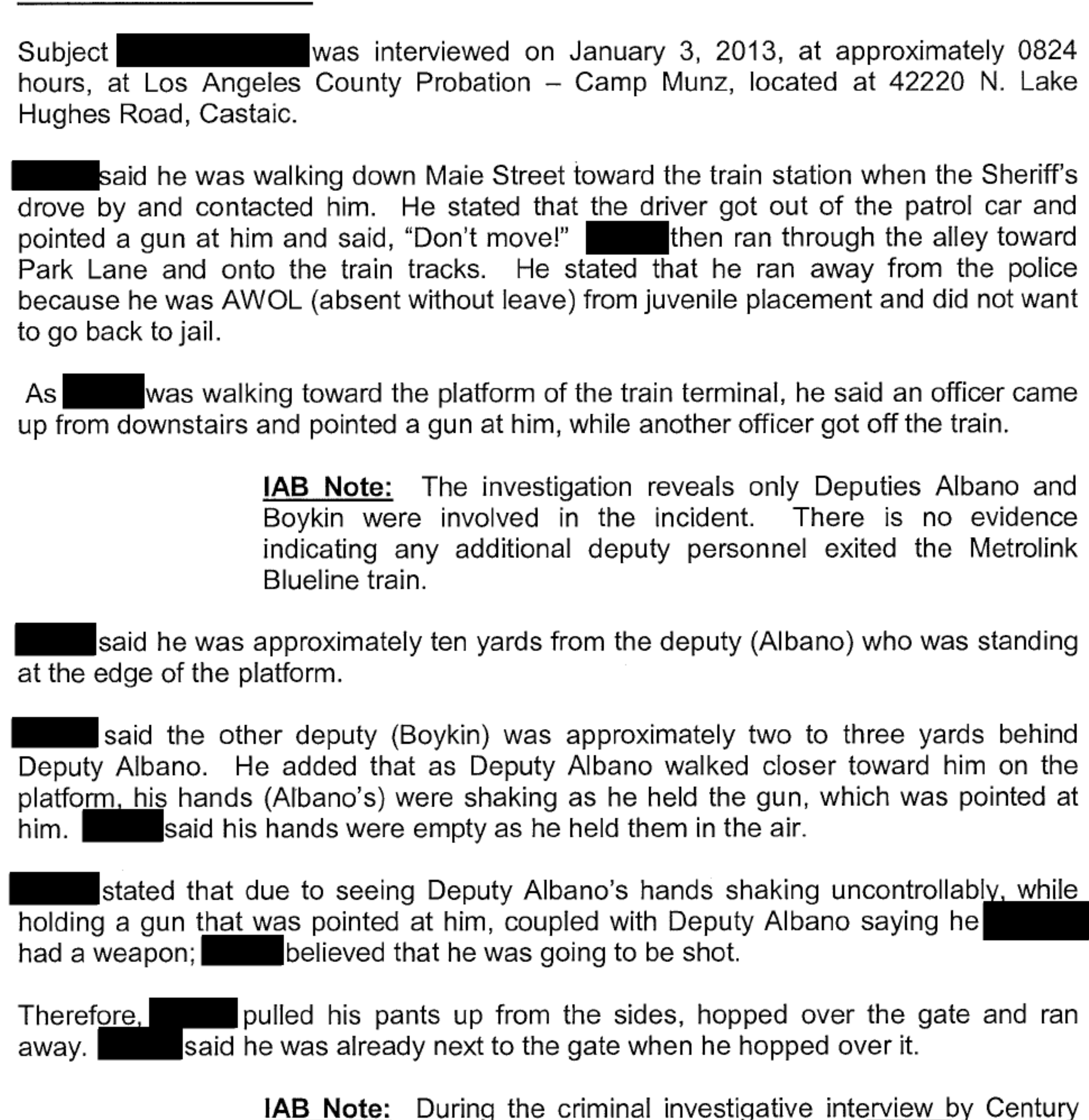
Deputy Albano initiated a broadcast regarding the shooting, along with a description of the Subject.

Deputy Boykin stated that within a minute, Century patrol units detained an individual matching the description of the Subject. Subject [redacted] was positively identified by both Deputies Boykin and Albano.

Deputy Boykin stated that neither he nor his partner were ever in foot pursuit of the Subject.

IAB Note: Refer to the transcribed copy of Deputy Boykin's interview for further details.

SUBJECT INTERVIEW:



Subject [redacted] was interviewed on January 3, 2013, at approximately 0824 hours, at Los Angeles County Probation – Camp Munz, located at 42220 N. Lake Hughes Road, Castaic.

[redacted] said he was walking down Maie Street toward the train station when the Sheriff's drove by and contacted him. He stated that the driver got out of the patrol car and pointed a gun at him and said, "Don't move!" [redacted] then ran through the alley toward Park Lane and onto the train tracks. He stated that he ran away from the police because he was AWOL (absent without leave) from juvenile placement and did not want to go back to jail.

As [redacted] was walking toward the platform of the train terminal, he said an officer came up from downstairs and pointed a gun at him, while another officer got off the train.

> **IAB Note:** The investigation reveals only Deputies Albano and Boykin were involved in the incident. There is no evidence indicating any additional deputy personnel exited the Metrolink Blueline train.

[redacted] said he was approximately ten yards from the deputy (Albano) who was standing at the edge of the platform.

[redacted] said the other deputy (Boykin) was approximately two to three yards behind Deputy Albano. He added that as Deputy Albano walked closer toward him on the platform, his hands (Albano's) were shaking as he held the gun, which was pointed at him. [redacted] said his hands were empty as he held them in the air.

[redacted] stated that due to seeing Deputy Albano's hands shaking uncontrollably, while holding a gun that was pointed at him, coupled with Deputy Albano saying he [redacted] had a weapon; [redacted] believed that he was going to be shot.

Therefore, [redacted] pulled his pants up from the sides, hopped over the gate and ran away. [redacted] said he was already next to the gate when he hopped over it.

> **IAB Note:** During the criminal investigative interview by Century Detective Robert Figueroa, Employee #[redacted] [redacted] mentioned several times that he initially believed Deputy Albano was pointing a taser at him; however, he never mentions the taser in the IAB interview.

[redacted] said he landed on his feet when he jumped over the fence and started running away. He stated that he did not turn around toward Deputy Albano at the other side of the fence. He then ran along the tracks and eventually hopped down onto Washington Park. [redacted] said that when he landed on the opposite side of the fence, his back was facing Deputy Albano.

[redacted] said Deputy Albano started shooting at him as he jumped over the gate. He added that his back was facing Deputy Albano when he was shot at. He stated that he could clearly hear Deputy Albano shooting at him four times.

> **IAB Note:** Inconsistent statement. The investigative evidence revealed that Deputy Albano was the only department member who fired two rounds from his duty weapon at the Subject.
>
> Refer to **Exhibit A** for a supplementary report by Century Detective G. Campbell, Employee #[redacted] regarding an interview of a civilian witness, who saw Deputy Albano fire two rounds at [redacted] after he jumped over the fence.

[redacted] said when he jumped over the fence, Deputy Albano continued to shoot at him probably five, six or seven more times. He added that it seemed like someone else was also shooting at him after he had jumped over the fence.

> **IAB Note:** During the criminal investigative interview by Century Detective Figueroa, [redacted] never mentioned being shot at multiple times after he jumped over the fence.

[redacted] explained that he did not know why the police would shoot at him.

[redacted] stated that the deputies on the platform that confronted him were different from the ones he encountered on Maie Avenue. He said that the deputies on Maie Avenue were both white.

> **IAB Note:** Refer to Century Detective Figueroa's interview of [redacted] who stated that he did not know who was driving the patrol car at Maie Avenue as he was not paying attention to the stop.

[redacted] said he was not under the influence of drugs/alcohol or medication during the incident.

[redacted] said his hands were out where they could be seen and not inside his pockets. He stated that he did not do anything to make Deputy Albano believe he had a weapon.

[redacted] stated that when he reached down to pull his pants up just before he jumped over the fence the deputy would have probably thought he was reaching for a weapon; however, he did not have any pockets on the outside of his pants.

IAB Note: [redacted] was shown a photograph of himself while being detained at Washington Park and at Century Sheriff's station on the day of the incident. After viewing the picture, [redacted] admitted to wearing camouflage cargo pants that had pockets on either side of his pant legs.

IAB Note: During Century Detective Figueroa's interview of [redacted] he said he ran away from the deputy because he had been shot at a few days ago by rival gang members.

SUSPECT'S INJURIES:

None

DEPUTY PERSONNEL INJURIES:

None

PHYSICAL EVIDENCE:

Collected by Scientific Services Bureau, Crime Scene Investigators:

EVIDENCE:

EV-1 (1) Bullet case; recovered 9'10" from the West Edge of West Platform.

EV-2 Beretta 9mm Luger caliber handgun, Model 92FS, Serial #BER[redacted] Blue Steel with mounted "Surefire" light MR11 [redacted] was retrieved from Deputy Albano. The pistol was submitted with one magazine and (14) fourteen 9mm Luger caliber cartridges for testing. The pistol was examined; test fired, and determined to be functional.

IAB Note: Refer to **Exhibit A** for further details.

INVESTIGATORS OBSERVATIONS:

Due to the area of the shooting being on railroad tracks with an enormous amount of gravel, rocks, dirt and debris, only one expended 9mm shell casing was recovered at the scene.

Due to the terrain at the railroad tracks, the rounds fired from Deputy Albano's firearm could not be located. Since the backdrop and the angle of the shooting were from a higher elevation, the rounds are believed to be in the surrounding gravel/dirt area.

A review of the Metro Transit Services (MTA) surveillance video only revealed areas of the inner platform. It did not capture the shooting incident.

A request for the analysis of GSR Kit #55977 revealed no particles consistent with gunshot primer residue (**Lab receipt #K390758**).

WEAPONS USED BY DEPUTY PERSONNEL:

DEPUTY ERIK ALBANO:

Service Weapon: Beretta, Model 92FS, semiautomatic pistol bearing serial number BER[redacted]
Type of Ammunition: 9mm Luger - department authorized ammunition
Ammunition: Two rounds fired with (1) live round in the chamber and (13) live rounds in the magazine.
Shell Casings: Collected by Sheriff's Criminalist, Deputy S. Thomas, Employee #274627.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]
Laser Village: [redacted]
Receipt #K332398/K387095: Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section. **(Refer to Exhibit B)**

WEAPONS USED BY SUSPECTS:

Unknown type handgun with dark pistol grip; not recovered.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	LASD Century Detective Bureau Detective Robert Figueroa
Court:	Central Juvenile District – Kenyon Juvenile Justice Center
Charges Filed:	Resisting Officer, 148(A) P.C. (2 counts). False Identification to a Peace Officer, 148.9(A) P.C. (2 counts)
Case Status:	Camp Community Placement

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred during daylight hours and the weather was clear.